



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant (s): Hegde *et al.*

Serial No.: 10/664,463

Group Art Unit: 1626

Filed: September 17, 2003

Examiner: Shiao, Rei Tsang

For: INSECTICIDAL 3-(2,6-DISUBSTITUTED PHENYL)-5-[5-ARYLTHIEN-2-YL]-1,2,4-  
TRIAZOLES

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING  
DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS  
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February 18, 2005

DATE OF DEPOSIT

MELANIE S. BRADLEY

PRINT OR TYPE NAME OF PERSON SIGNING CERTIFICATE

*Melanie S. Bradley*

SIGNATURE OF PERSON SIGNING CERTIFICATE

*February 18, 2005*

DATE OF SIGNATURE

Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313

Sir:

**AFFIDAVIT UNDER 37 C.F.R. § 1.132**

STATE OF INDIANA                     )  
  ) SS:  
COUNTY OF MARION                 )

I, James E. Dripps, residing at 14032 Sedona Court, Carmel, County of Hamilton, State of  
Indiana, United States of America, being duly sworn, depose and say:

THAT I received the degree of Doctor of Philosophy in Entomology from the Pennsylvania  
State University in 1985;

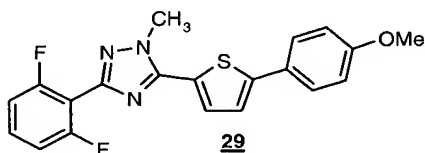
THAT I am the author or co-author of five publications in referred journals;

THAT I have been employed by Dow AgroSciences LLC or its predecessor companies since  
1985;

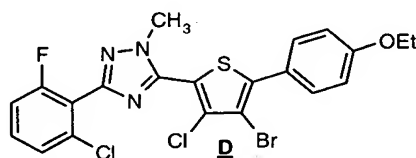
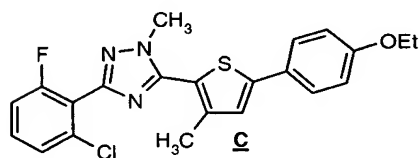
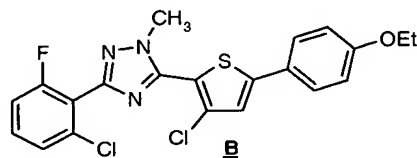
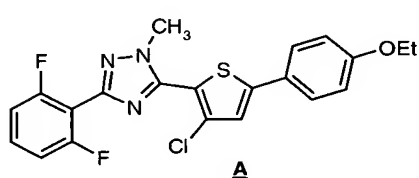
THAT my present position is that of Technical Leader for Project Biology in Insect  
Management Discovery Research;

THAT in my current position I am involved in evaluating synthetic materials and compositions for insecticidal and acaricidal activity;

THAT I had carried out under my direction, under carefully controlled conditions, a series of beet armyworm bioassays of the following compounds;



Pechacek *et al.*



THAT the procedure and the results obtained were as follows:

Insecticidal test for beet armyworm (*Spodoptera exigua*):

To prepare spray solutions, 4 mg of each test compound was dissolved into 10 mL of a 2:1 acetone:distilled water to produce a 400 ppm solution.

Test units are prepared and consist of 4 cm – top diameter (1 oz.) tapered plastic cups, each containing @ 7.5 g. of prepared insect diet (Southland Products, Stoneville, Ms.). Each treatment consists of 5 units.

The test solutions are pipetted onto the diet surface. Target delivery volume is 0.25 ml per cup. The diet surface is allowed to dry thoroughly before each cup is infested with a single 2<sup>nd</sup> instar beet armyworm.

After infestation, test units are capped and stored for three days at 25° C (77° F) and 50 % R. H. prior to assessment for mortality and morbidity. Results are given in Table 1 as percent control at 400 ppm based on the number of live larvae in each treatment.

Table 1.  
Percent control data in beet armyworm for represented compounds.

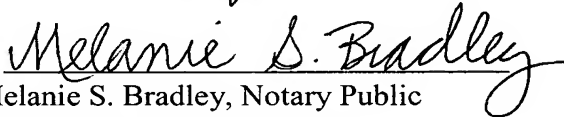
| <i>Compound</i> | <i>% control<br/>of BAW @<br/>400 ppm</i> |
|-----------------|---|
| 29              | 0   |
| A               | 100                                       |
| B               | 100                                       |
| C               | 100                                       |
| D               | 100                                       |

Further deponent sayeth not.

  
James E. Dripps

2/16/2005  
Date

Sworn to and subscribed to me this 16<sup>th</sup> day of February, 2005

  
Melanie S. Bradley, Notary Public  
State of Indiana, Marion County  
My Commission Expires November 2, 2012

